

III. REMARKS

Claims 1-30 are pending in this application. By this amendment, claims 1, 4-6, 8, 10, 12-15, 17-20, 24-25, and 29 have been amended and claims 3 and 16 have been cancelled.

Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

In the Office Action, claims 1, 3-6, 10, 12-14, 17, 19-21, 23-25, and 29 are objected to for allegedly failing to provide proper antecedent basis. Claims 1, 7-9, 15, and 19-21 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Schaper (US Patent Application Publication No. 2001/0047588). Claims 2-6, 10-14, 16-18, 23-25, and 29 are objected to as being dependent upon a rejected base claim and/or due to claim informalities set forth in the Office Action, but would be allowable if claims 2-6, 10-14, 17, 23-25, and 29 are rewritten or amended to overcome objections due to noted informalities, and if claims 2, 3, and 16 are rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2-9 and 11-14 are also objected to for incorporating the above errors into the respective claims by claim dependency. Claims 22, 26-28, and 30 are allowed.

As noted above, claims 1, 3-6, 10, 12-14, 17, 19-21, 23-25, and 29 are objected to for allegedly failing to provide proper antecedent basis. In response, claims 1, 4-6, 8, 10, 12-14, 17, 20, 24-25, 29 have been amended to correct the alleged antecedent basis problems. Furthermore, with respect to claims 19, 21, and 23-24 the Office asserts that the term(s) “removing (generating) program code” should be re-written as “program code configured to generate...”

(Office Action, p. 3). In response, Applicants submit that the alleged lack of express antecedent terms does not make the claim indefinite. Despite the absence of explicit antecedent basis, “if the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite.” *See Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed. Cir. 2001). The United States Court of Appeals for the Federal Circuit recently held in *Energizer Holdings, Inc. v. International Trade Commission*, that a claim that is amenable to construction is not invalid on the ground of indefiniteness. In that case, the court held that “anode gel,” as recited earlier in the claim, is construed to provide proper antecedent for “said zinc anode.” *See Energizer Holdings, Inc. v. International Trade Commission*, Fed. Cir., No. 05-1018, 1/25/06 Fed. Cir., No. 05-1018, 1/25/06. Despite the lack of explicit antecedent basis for “said zinc anode,” the claim has a reasonably ascertainable meaning. *Id.* Here, Applicants submit that it is apparent that the claim is amenable to construction. The term “program code configured to remove” is by implication the antecedent basis for the term “removing program code.” Applicants submit that “removing program code” has a reasonably ascertainable meaning and is not indefinite. Accordingly, Applicants respectfully request withdrawal of the objection.

In the Office Action, claims 1, 7-9, 15, and 19-21 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Schaper (US Patent Application Publication No. 2001/0047588). By this amendment, the allowable subject matter of cancelled claims 3 and 16 has been incorporated into independent claims 1 and 15, respectively. Accordingly, Applicants submit that Shaper fails to disclose each and every element of claims 1 and 15, and respectfully request withdrawal of the rejection.

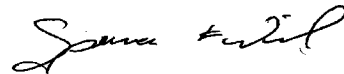
With respect to dependent claims 2, 4-9, 11-14, 17-21, 23-26, and 28-30 Applicants submit that these claims are allowable based on their dependency from allowable independent

claims. The dependent claims are also believed to be allowable based for their own additional features.

VI. CONCLUSION

In light of the above remarks, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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Spencer K. Warnick
Reg. No.: 40,398

(DLP)

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)